

MEMORANDUM

To: All Counsel 
From: Judge Edwin M. Kosik
Date: 11/4/2010
Re: Nationwide Mutual Fire Ins. Co. v. Hewlett-Packard Co., No. 3:09-CV-124

We find that two weeks before trial we have a flurry of motions, either in limine or based on Daubert. You must be aware that many of these matters were anticipated months ago. In this case, the pre-trial conference occurred months ago. A trial date had been set in September, but was continued at the request of a party.

Our Standing Order No. 1 provides for the matters now confronting the court. (See Doc. 5.) That order provides for dispositive motions 20 days after the end of discovery. (Id. at 2.) Motions in limine ordinarily are to be filed and briefed before the pre-trial conference. (Id. at 3.) At the pre-trial conference in June, we noticed that counsel was to advise if there would be a need for Daubert scrutiny of expert opinions. We anticipated a possible spoliation issue. The present summary judgment motion has a briefing period which runs into the trial date.

It is not my practice to be unreasonable. However, there is a proper time for everything. The time for your motions has passed. They are being denied as untimely. If you want legal authority, I can provide it.

At this point, we are scheduled for trial. It is not for me to explore alternatives.

EMK